

## REMARKS

Claims 96-170 are currently pending in this case. Group VII, corresponding to claims 123-142, was elected in the reply filed on March 27, 2006; and claims 96-122 and 143-170 were withdrawn from the Group VII claims as being drawn to a non-elected invention/species. Claims 123-142 were examined and stand rejected based on arguments laid out in the Final Office Action mailed on June 21, 2006. Applicant thanks the Examiner for the careful examination of this case, and respectfully requests reexamination and reconsideration of the case, as amended.

The present Amendment amends claims 123-125, 128, 135 and 136 and adds new claims 171-174. No new matter is added to this case by this Amendment. Applicant is submitting the present Amendment without prejudice to the subsequent prosecution of claims to some or all of the subject matter which might be lost by virtue of this paper, and explicitly reserves the right to pursue some or all of such subject matter, in Divisional or Continuation Applications.

Below Applicant addresses each of the rejections levied in the Office Action and explains why the rejections are not applicable to the pending claims as amended.

### Interview Summary

Applicant thanks Examiner Jones for the telephonic interview conducted on October 18, 2006. As discussed in that interview, Applicant has amended the claims in this case to recite a contrast imaging agent comprising at least one imaging moiety associated with at least two amyloid-binding moieties. Applicant has also amended the claims to specify that the imaging and amyloid-binding moieties are covalently associated.

### Amendment to the Claims and Support for Amendment

Independent claims 123 and 136 have been amended to specify that the association between the imaging and amyloid-binding moieties is *covalent*. Support for this amendment can be found throughout the specification, in particular in paragraph [0136] of the application as filed and in Examples 1, 2 and 3.

Independent claims 123 and 136 have also been amended to include a limitation regarding the number of amyloid-binding moieties in a contrast imaging agent of the present

invention. Claims 123 and 136, as amended, now recite “a contrast imaging agent comprising at least one imaging moiety covalently associated with *at least two* amyloid-binding moieties”. Support for this amendment can be found, for example, in paragraph [0140] of the application as filed. In particular, this paragraph states that “... a contrast imaging agent may comprise any number of amyloid-binding moieties and any number of imaging moieties...”.

Dependent claims 124 and 125 have been amended to correct informality errors resulting from the amendment introduced in claim 123 (*i.e.*, replacement of “at least one amyloid-binding moiety” with “at least two amyloid-binding moieties”) from which these claims depend.

Independent claim 135, which, as filed, recited “a contrast imaging agent, wherein gadolinium III (Gd<sup>3+</sup>) is complexed to a bifunctional molecule ...”, has been amended to recite “a contrast imaging agent, wherein *a metal entity* is complexed to a bifunctional molecule...”. New claims 171-174, which depend from claim 135, have been added that recite specific metal entities. Support for these new claims can be found in claim 123 (as amended) and claims 126-128, 130, 131, and 133-135, as filed.

#### Provisional Obviousness-Type Double Patenting Rejection

The Examiner has provisionally rejected claims 123-142 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, 7, 10-12, and 32 of co-pending application No. 11/096,919 (Applicant has corrected a typo in the Office Action that lists this application as Application No. 11/096,916).

Applicant respectfully refrains from further commenting on this provisional rejection unless and until such time as it matures into an actual rejection.

#### Claim Rejections - 35 U.S.C. § 112

Claims 123-134 and 136-141 are rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner has taken the position that the claims as written are ambiguous because the term “imaging moiety associated with at least one amyloid binding moiety” is unclear.

Claims 123 and 136 have been amended to specify that the imaging and amyloid-binding moieties are “*covalently* associated”. As discussed in the interview, Applicant submits that this amendment renders the rejection moot, and respectfully requests that the rejection be removed.

#### Claim Rejections - 35 U.S.C. § 102

Claims 123-134 and 136-141 are rejected under 35 U.S.C. § 102(e) as being anticipated by Gervais *et al.* (US Appln. No. 2002/011717). The Examiner has taken the position that both Gervais *et al.* and the present application disclose a contrast imaging agent comprising at least one imaging/metal-chelating moiety associated with at least one amyloid binding moiety.

As already mentioned above, independent claims 123 and 136 have been amended to specify that contrast imaging agents of the present invention comprise at least one imaging moiety covalently associated with *at least two* amyloid-binding moieties.

It is axiomatic that a prior art reference must teach every element of a claim in order to anticipate that claim. As discussed in the interview, the Gervais *et al.* reference does not teach or suggest a contrast imaging agent comprising at least one imaging moiety covalently associated with more than one amyloid-binding moiety. Therefore, Applicant submits that the Gervais *et al.* reference does not anticipate any of the claims rejected under 35 U.S.C. § 102(e) and furthermore, does not render them obvious. Applicant respectfully requests that the rejection be removed.

#### Specification Objection

The Specification was objected to by the Examiner because the application, as filed, did not contain the proper reference paragraph to the colored drawings. The Specification has been amended as suggested by the Examiner, the objection can be removed.

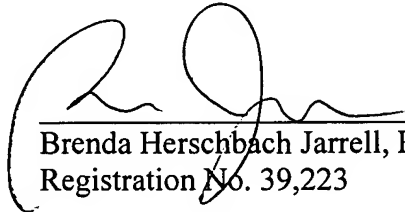
### CONCLUSION

Applicant again thanks the Examiner for the careful review of the case. The claims have been amended to obviate all rejections. Based on the Remarks presented above, Applicant respectfully submits that the Claims, as amended, are now in condition for allowance.

Please charge any fees that may be associated with this matter, or credit any overpayments, to our Deposit Account No.: 03-1721.

Respectfully submitted,

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